

**STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT**

**BRIAN EGOLF, et al.**

**D-101-CV-2011-02942**

**Plaintiff-Petitioners,**

vs.

**DIANA J. DURAN, et al.,**

**Defendant-Respondents.**

**SENA PLAINTIFFS' MOTION TO RECONSIDER  
APPOINTMENT OF SPECIAL MASTER**

Plaintiffs, Jonathan Sena, Don Bratton, Carroll Leavell, and Gay Kernan (“Sena Plaintiffs”), by counsel of record, Patrick J. Rogers, submit the following Motion to Reconsider the Decision and Order Denying Motions to Appoint a Special Master, entered on October 25, 2011. Rather than the speculation and exaggeration offered by the opponents to the appointment of a Special Master, attached hereto as **Exhibit 1** is the (final) Order Adopting and Appointing the Special Master’s Report and Redistricting Maps entered October 27, 2011. *Guy v. Miller*, No. 11 OC-0042-1B (1<sup>st</sup> Dist. Nv.). The appointment of a Special Master would promote a prompt, fair and inexpensive resolution. For these reasons, the Sena Plaintiffs request the reconsideration of the denial of the Motion to Appoint a Special Master.

**INTRODUCTION**

1. On October 19, 2011, Defendants Susana Martinez, in her official capacity as New Mexico Governor, Dianna J. Duran, in her official capacity as New Mexico Secretary of State, and John A. Sanchez, in his official capacity as New Mexico Lieutenant Governor, (hereinafter “Executive Branch Defendants”) filed a Motion for Appointment of Special Master.

2. In their Motion, the Executive Branch Defendants argued that exceptional circumstances exist in this case, such as the time constraints and New Mexico's costly litigation history related to redistricting, that demand a special master be appointed to assist the Court in formulating and developing redistricting maps for the State. The Executive Branch Defendants cited successful examples from other states where the appointment of a special master streamlined redistricting litigation and saved significant time and costs.

3. On October 19, 2011, Plaintiffs Conrad James, Devon Day, Marge Teague, Monica Youngblood, Judy McKinney and John Ryan (hereinafter "James Plaintiffs") filed a similar Motion for Appointment of Special Master.

4. The James Plaintiffs argued that the appointment of a special master would drastically reduce the time and expense involved in resolving this dispute, citing the expenses incurred for the redistricting litigation for New Mexico ten (10) years ago and decisions by other courts around the country that have utilized a special master to develop proposed plans for redrawing the boundaries of New Mexico's Congressional, House of Representatives, Senate and Public Regulation Commission.

5. Three (3) parties filed Responses in Opposition to the Motions filed by the Executive Branch Defendants and the James Plaintiffs.

6. On October 21, 2011, Plaintiffs Brian Egolf, Hakim Bellamy, Mel Holguin, Maurilio Castro, and Roxanne Spruce Bly (hereinafter "Egolf Plaintiffs") filed a Response to Motions for Appointment of Special Master.

7. On October 21, 2011, Plaintiffs Pueblo of Laguna, Pueblo of Acoma, Jicarilla Apache Nation, Pueblo of Zuni, Pueblo of Laguna Governor Richard Luarkie, Pueblo of Laguna Lt. Governor Harry Antonio, Jr., Pueblo of Acoma Governor David F. Garcia, Jicarilla Apache

Nation President Levi Pesata, and Leon Reval (hereinafter “Native American Plaintiffs”) filed a Response in Opposition to the Motions from the Executive Branch Defendants and the James Plaintiffs.

8. On October 21, 2011, Timothy Z. Jennings, in his official capacity as President Pro-Tempore of the New Mexico Senate, and Ben Lujan, Sr., in his official capacity as Speaker of the New Mexico House of Representatives, (hereinafter “Legislative Defendants”) filed a Response in Opposition to the Motions from the Executive Branch Defendants and the James Plaintiffs.

9. Both the Egolf Plaintiffs and the Legislative Defendants cited the ongoing redistricting litigation in the State of Nevada.

10. The Egolf Plaintiffs specifically alleged that the “current situation in Nevada regarding the district court’s appointment of a 3-person-panel of specials masters to oversee its redistricting process is a telling example of the problems inherent in such an appointment, and why the likely result is not efficiency, but delay and increased expense.” Egolf Plaintiff’s Response at p. 8.

11. The Egolf Plaintiffs also claimed that the “special masters in Nevada are currently far afield from the task to which they were appointed, namely, map drawing, because of the wealth of ancillary issues that have arisen as a result of that appointment.” *Id.* at 9.

12. Further, citing editorials, the Egolf Plaintiffs argued that the use of special masters in Nevada “has generated an intense amount of collateral litigation that has stalled the process that the district court was originally tasked to oversee.” *Id.* Specifically, they claim that “as of the time of this writing, the parties in Nevada are petitioning the Nevada Supreme Court to decide issues regarding the district court’s referral order (or guidance) that was given to the

special masters.” *Id.* They failed to cite any other examples of collateral litigation in Nevada to support the claim that “[a]t this moment in time the redistricting process has been catapulted out of the hands of both the special masters and the district court such that the Nevada Supreme Court can resolve the issues created by that appointment.” *Id.* at 9-10.

13. Similarly, the Legislative Defendants argued that the “current efforts to adopt a redistricting plan in Nevada are illustrative for purposes of showing the additional delay, inefficiency and increased costs which can result by virtue of reference to a special master or masters.” Legislative Defendants Response at 5.

14. The Legislative Defendants asserted that the “referral led to the filing of petitions with the Nevada Supreme Court in which petitioners argued that the district court judge had failed to decide important legal issues before the referral.” *Id.* at 6.

15. In addition, the Legislative Defendants argued that the special masters themselves had also delayed providing their reports, stating “the special masters issued their report more than three months after the district court judge in that case indicated an intent to appoint masters.” *Id.*

16. The Sena Plaintiffs filed a memorandum in support of the appointment of a Special Master.

17. On October 25, 2011, this Court issued its Decision and Order Denying Motions to Appoint a Special Master.

18. In Nevada, the Order Adopting and Approving the Special Master’s Report of Redistricting Maps as Modified by the Court was entered on October 27, 2011. Exhibit 1. The Court recounts the prompt and efficient procedures including the entry of the Court’s Order on

September 21, 2011 to draft the maps, the hearing on October 27, 2011 and the entry of the (final) Order.

### **ARGUMENT AND AUTHORITIES**

Under Rule 1-060(B), the Court may relieve a party from a final judgment, order, or proceeding for certain enumerated reasons, including *inter alia*: “misrepresentation or other misconduct of an adverse party” or “any other reason justifying relief from the operation of the judgment.” Rule 1-060(B)(3), (6) NMRA 2011. Here, Defendants believe the Court may have relied upon erroneous and certainly exaggerated representations regarding the redistricting litigation in the State of Nevada. As discussed below, the Egolf Plaintiffs and Legislative Defendants have provided inaccurate information as to the status of the Nevada suit and the “collateral litigation” that arose from the appointment of and referral to the special master panel in Nevada. Defendants, therefore, request that the Court reconsider its Decision and Order Denying Motion to Appoint a Special Master to the extent these misrepresentations were part of the Court’s deliberation of this issue.

#### **I. Nevada’s Redistricting Litigation Has Been Expedited by Use of Special Masters**

Nevada’s redistricting proceedings are complete, the maps are finished. Exhibit 1, October 27, 2011 Order. The First Judicial District Court for the State of Nevada has now heard and dealt with the presentations of objections to the reports of the special masters. The court will order the new redistricting plans in place, well in advance of the upcoming 2012 election cycle.

In Nevada, the Democratic Party filed suit on February 24, 2011, before the Nevada Legislature had even begun to consider redistricting and before the receipt of the census data. The Legislature passed various congressional and legislative plans, the last of which were vetoed

by the Nevada Governor on May 31, 2011. The case was not pursued by the parties until the Legislature went out of session.

When the litigation resumed, the matter moved forward on a timely efficient and prompt basis according to a schedule that was agreed to by the parties. Three (3) special masters were appointed without objection by any party. In preparation of their report and maps, the special masters reviewed briefing on the legal guidelines that should be followed, considered dozens of maps, and listened to testimony in two (2) public hearings before making findings of fact and drafting redistricting plans. The special masters produced their report and maps to the court in the time set forth by the court's original scheduling order. On October 14, the Nevada court ordered the release of the special masters' report and proposed maps.

In response to the special masters' report and proposed maps, the Democratic Party Plaintiffs accepted the plans virtually in total. Despite their conclusion that the maps "differed substantially from those Plaintiffs would have drawn," they agreed that "the facts the Masters found are fully supported by the evidence, and the Masters strictly adhered to constitutional population equality requirements and carefully followed the traditional redistricting principles of drawing compact and contiguous district, respecting political subdivision boundaries, [and] preserving communities of interest[.]" The Hispanic Plaintiff-Intervenors have suggested only minor changes to the special masters' report and maps. *See* Plaintiff-Intervenor Alex Garza's Objections to the Special Masters' Report and Recommendations. Likewise, the Republican Plaintiff-Intervenors also noted only a "few" errors in the maps that could be corrected by "some easy changes." Plaintiff-Intervenors' Response to the Special Masters' Report and Maps.

The Nevada District Court heard the parties' arguments regarding the proposed plans on Thursday, October 27 and the Order, Exhibit 1 was entered. It is clear that Nevada's

redistricting litigation has not resulted in the delay, expense, and inefficiency as represented by the Egolf Plaintiffs and Legislative Defendants.

## **II. Any Alleged Delay in Nevada's Redistricting Litigation Is the Product of Unique State Law Issues**

Contrary to the Egolf Plaintiffs and Legislative Defendants' representations, Nevada's redistricting proceedings have not resulted in "collateral litigation." Specifically, the attempt of the Democratic Secretary of State to stay the District Court's proceedings by emergency petition to the Nevada Supreme Court was unanimously rejected. The Nevada Supreme Court is currently only considering the issue of whether the Governor of the State has authority under the State Constitution to veto redistricting legislation. This is a unique question of Nevada state law and one which is not typical of redistricting proceedings. Therefore, it is unlikely that a similar situation would arise in New Mexico. A hearing before the Nevada Supreme Court is set for November 14, 2011. Thus far, this separate litigation has not affected the efficient and timely proceedings at the District Court level, which as noted above are almost finalized.

## **III. The Proper Map Drawing Criteria for a Special Master**

Little debate is warranted on the criteria to provide a Special Master to draw maps. *See, e.g., A Guide to State and Congressional Redistricting in New Mexico 2011* prepared by the Legislative Counsel Service, (April 2011), attached hereto as **Exhibit 2** and 2001 Guidelines, attached hereto as **Exhibit 3**. No debate is warranted on the present, unconstitutional districts in existence. A review of the Nevada proceedings makes it clear that judicial economy is best served by the appointment of a Special Master. The argument that the Nevada experience is lengthy or expensive is without a factual foundation.

**CONCLUSION**

The Sena Plaintiffs respectfully request that the Court reconsider its Decision and Order Denying Motion to Appoint a Special Master. Specifically, the Egolf Plaintiffs and Legislative Defendants provided erroneous conclusions and grossly exaggerated claims regarding the pending redistricting litigation in the State of Nevada. The Sena Plaintiffs respectfully request that the Court reconsider the success that has been achieved in Nevada and appoint a Special Master in the New Mexico litigation.

Respectfully submitted,  
**MODRALL SPERLING ROEHL HARRIS & SISK, P.A.**

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**CERTIFICATE OF SERVICE**

I certify that on this 1<sup>st</sup> day of November, 2011, I caused a true and correct copy of the foregoing Motion to be electronically filed with the court, which caused all counsel of record to be served by electronic means. I further certify that a copy of this document was also transmitted by my office via e-mailed to Judge Hall as well as the following counsel of record:

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1 Case No. 11 OC 00042 1B

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ALAN GLOVER  
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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5

IN AND FOR CARSON CITY

6

7 DORA J. GUY, an individual; LEONEL  
8 MURRIETA-SERNA, an individual; EDITH  
9 LOU BYRD, an individual; and SAMANTHA  
STEELMAN, an individual;

9

Plaintiffs,

10

and

11

12 KEN KING, an individual; SANCY KING, an  
13 individual; ALLEN ROSOFF, an individual,  
and the NEVADA REPUBLICAN PARTY,

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and

14

ALEX GARZA, an individual,

15

and

16

17 THE LEAGUE OF WOMEN VOTERS OF  
LAS VEGAS VALLEY,

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Plaintiff-Intervenors

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vs.

19

20 ROSS MILLER, in his capacity as Secretary of  
21 State for the State of Nevada,

21

Defendant.

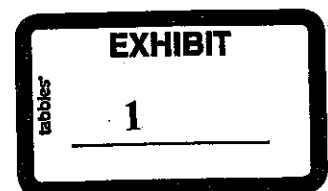
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23 This matter is before this Court pursuant to this Court's Orders of September 21,  
24 2011 and October 14, 2011. A hearing was held by this Court on October 27, 2011, with  
25 all parties appearing, except the League of Women Voters of Las Vegas Valley. This  
26 Court having considered the briefs of counsel, the arguments of counsel and the Report  
27 and Redistricting Maps prepared by the Special Masters, makes the following order,

28

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**ORDER ADOPTING AND  
APPROVING SPECIAL MASTERS'  
REPORT AND  
REDISTRICTING MAPS AS  
MODIFIED BY THE COURT**



I.

1  
2 First, this Court would like to express its thanks and the thanks of the citizens of  
3 the State of Nevada to the Special Masters, Thomas Sheets, Alan Glover, and Robert  
4 Erickson, for the job they did in the redistricting of the State as to four (4) Congressional  
5 Districts, twenty-one (21) Senate Districts and forty-two (42) Assembly Districts. They  
6 did this job with patience, experience, efficiency, and professionalism. They did so  
7 independently in a non-partisan manner and with the best interest of the citizens of the  
8 State of Nevada.

9 Secondly, the court expresses its thanks to the staff provided by the Legislative  
10 Counsel Bureau, namely Kathy Steinle and Brian Davie, for their assistance to the Special  
11 Masters. The Court reviewed the hearings before the Special Masters and reviewed their  
12 work at the Nevada Legislative Counsel Bureau. The dedicated work by all of these  
13 individuals is appreciated.

14 Thirdly, it is important to note that the Courts of the State of Nevada were brought  
15 into the redistricting dispute by the parties. The parties chose to file their legal actions  
16 necessitating a resolution of these issues. In this proceeding, the Court is called upon to  
17 resolve the impasse created by the continuing failure of the Legislature to pass legislation  
18 acceptable to the Governor.

19 Because an impasse existed based on the Nevada Legislature Maps being vetoed by  
20 the Governor, there was a need to resolve the matter in a timely, cost effective, and  
21 practical manner. It is unfortunate that this was not taken care of through the legislative  
22 process, and this Court could possibly have sent this matter back to the Nevada State  
23 Legislature, but given the level of conflict, to what avail? Courts exist to help people  
24 resolve their legal disputes.

25 Here, the parties at the first hearing in this matter on July 12, 2011 specifically  
26 placed on the record before this Court that they agreed that this Court should go forward  
27 with the redistricting. It was based on this agreement and understanding that this Court  
28 proceeded. Further, at no time during this process did any of the parties file any motion to

1 divest the Court of Jurisdiction. If the Supreme Court *sua sponte* wishes to address the  
2 issue of jurisdiction, then it certainly can choose to do so. This issue was not briefed or  
3 argued before this Court. As to the issues raised by the Secretary of State in its motion  
4 filed with the Supreme Court, this Court felt that these issues could not be addressed until  
5 the Special Masters had drawn the Redistricting Maps and considered the evidence  
6 presented in regard thereto. Having done so and based on the rulings set forth herein,  
7 these issues appear to be moot to this Court.

8 As to the Motion for Reconsideration filed by the League of Women Voters of Las  
9 Vegas Valley on September 29, 2011, this Motion was never submitted to this Court for  
10 determination, pursuant to FJDCR, Rule 15(6), and further, based on the work by the  
11 Special Masters it is moot. Therefore, the Motion for Reconsideration is denied.

12 **II.**

13 It is conceded by the parties that the existing Congressional Districts and  
14 Legislative Districts are unconstitutionally mal-apportioned. These mal-apportionments  
15 violate the Fourteenth Amendment of the U.S. Constitution. Therefore, the current Nevada  
16 Congressional Districts and Legislative Districts are hereby declared to be invalid.

17 **III.**

18 IT IS HEREBY ORDERED that the Report and Redistricting Maps as to the four  
19 (4) Congressional Districts are approved.

20 A. The Court finds that in the drafting of the Congressional Districts the  
21 Special Masters complied with this Court's Order of September 21, 2011 and established  
22 four equal districts, while taking into consideration the redistricting standards outlined by  
23 the Court; and

24 B. The Court further finds that the Special Masters properly applied the  
25 standard of Section 2 of the Voting Rights Act and the 1982 Amendments thereto in  
26 determining that under *Thornberry v. Gingles*, 478 U.S. 30, 44 (1986), there was no  
27 grounds or basis for the establishment of a majority-minority district. The facts found by

28 ///

1 the Special Masters relevant to the preconditions established in *Thornburg v. Gingles*, 478  
2 U.S. 30, 50-51 (1986), for a Voting Rights Act claim are supported by the record.

3 1. As to the first precondition, no minority community is “sufficiently  
4 large and geographically compact to constitute a majority in a single-  
5 member [congressional] district.” *Gingles*, 478 U.S. at 50. *See also*  
6 *Bartlett v. Strickland*, 129 S. Ct. 1231, 1249 (2009) (“Only when a  
7 geographically compact group of minority voters could form a  
8 majority in a single-member district has the first *Gingles* requirement  
9 been met.”) The result is the same whether the Court considers  
10 voting age population (VAP), citizen voting age population (CVAP),  
11 and the census numbers.

12 2. As to the second precondition, the Court finds that Nevada’s  
13 Hispanic community generally “is political cohesive.” *Gingles*,  
14 478 U.S. at 51.

15 3. As to the third precondition, the Court finds that Nevada’s white  
16 majority does not “vote sufficiently as a bloc to enable it—in the  
17 absence of special circumstances—usually to defeat the minority’s  
18 preferred candidate.” *Id.* Because only one of the three *Gingles*  
19 preconditions is satisfied, the Voting Rights Act does not require the  
20 creation of majority-minority districts in Nevada. *See, e.g.*  
21 *Strickland*, 129 S. Ct. At 1248 (“Majority-minority districts are only  
22 required if all three *Gingles* factors are met[.]”) Further, only after a  
23 party has established all three preconditions does a court go on to  
24 determine whether, based on the totality of the circumstances, a  
25 violation of the Voting Rights Act occurred. *Strickland*, at 1241.

26 C. As set forth in the Special Masters’ Report, the Special Masters held public  
27 hearings, reviewed the evidence and arguments of the parties and other interested persons  
28 appearing before them. The Court finds that the lines drawn for these four districts

1 represent reasonable application of the criteria and are in compliance with all legal  
2 requirements.

3 IV.

4 IT IS HEREBY FURTHER ORDERED that the Report and Redistricting Maps for  
5 the twenty-one (21) Nevada Senate Districts and forty-two (42) Nevada Assembly Districts  
6 are approved, as modified by the Court herein.

7 A. The Court finds that in the drafting of the twenty-one (21) Nevada Senate  
8 Districts and forty-two (42) Nevada Assembly Districts, the Special Masters complied with  
9 this Court's Order of September 21, 2011 and established the twenty-one (21) Senate  
10 Districts and forty-two (42) Nevada Assembly Districts within the directions set forth by  
11 the Court, while taking into consideration the redistricting standards outlined by the Court,  
12 except as set forth below.

13 B. The Court further finds that the Special Masters properly applied the  
14 standard of the Voting Rights Act and the 1982 Amendments thereto in determining that  
15 under *Thornberry v. Gingles, supra*, there was no grounds or basis for a violation thereof,  
16 See, discussion above as to the application of the preconditions. Given the fact that all  
17 three preconditions are not met as to the Legislative Districts (the third precondition was  
18 not met) there is no need to apply the totality of circumstances test. There was no evidence  
19 presented to the Special Masters reflecting any discrimination nor did the Special Masters  
20 discriminate in any way toward the State of Nevada's Hispanic community.

21 C. The Special Masters' Redistricting Maps properly nested the Assembly  
22 Districts within the Senate Districts, saving taxpayer money and avoiding voter confusion.

23 D. Assembly Districts 37 and 34 are redrafted by the Court, in consultation with  
24 and agreement by the Special Masters, to reflect the correct address as to the incumbent,  
25 Assemblyman William Horne. This was necessitated based on an error generated by  
26 information at the Legislative Counsel Bureau, which required a modification to be made.  
27 A corrected Assembly Redistricting Map was placed into evidence reflecting the changes to  
28 Assembly Districts 37 and 34, along with documentation in support thereof.

1           E.     Senate Districts 18, 6, 8 and 9 were redrafted by the Court to correct in this  
2 Court's opinion a failure of the Special Masters to meet the criteria outlined by the Court in  
3 its Order of September 21, 2011 to have districts drawn in a compact manner while  
4 avoiding irregular shapes. In regard to Senate District 8, the Court, in consultation with and  
5 agreement of the Special Masters, had the Special Masters redraw Senate District 8, which  
6 then necessitated changes to Senate Districts 18, 6 and 9, as well. This necessitated some  
7 redrafting of the Assembly Districts nested thereunder.

8           F.     Senate District 12 was redrafted to correct an error as to one registered voter  
9 in the City of Mesquite who was improperly placed in Senate District 19. The City of  
10 Mesquite is now one hundred percent (100%) in Senate District 12.

11          G.     Senate District 19 was not redrafted as requested by various individuals  
12 residing therein to create a "Cow County Senate District." These individuals were never  
13 parties to this matter nor did they present their requests to the Special Masters when they  
14 had an opportunity to do so. However, this Court in conjunction with the Special Masters,  
15 reviewed this issue and determined that there was no viable alternative to honor their  
16 request. Additionally, none of the legislative proposals (SB 497, SB500, AB566, and  
17 AB567) created such a Senate District, with all of these legislative proposals, picking up a  
18 portion of Clark County in Senate District 19. The Court would note this is an open Senate  
19 seat without an incumbent. Therefore, no change was made by this Court to Senate  
20 District 19.

21          H.     As set forth in the Special Masters' Report, the Special Masters held public  
22 hearings, reviewed the evidence and arguments of the parties and other interested persons  
23 appearing before them. The Court finds that the lines drawn for the Senate Districts and  
24 Legislative Districts, as modified, represent reasonable application of the criteria and are in  
25 compliance with all legal requirements.

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VI.

Attached hereto and incorporated herein by reference are the census tracts for the Congressional Districts, the Senate Districts and the Assembly Districts.

Dated this 27<sup>th</sup> day of October, 2011.

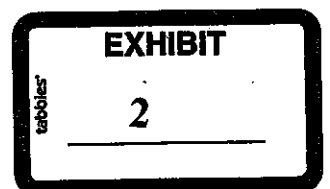
  
JAMES T. RUSSELL  
District Court Judge

**A GUIDE  
TO  
STATE AND CONGRESSIONAL REDISTRICTING  
IN  
NEW MEXICO**

**2011**

**Prepared by the  
New Mexico Legislative Council Service  
Room 411, State Capitol  
Santa Fe, New Mexico  
April 2011**

.187014



## **GUIDELINES FOR THE DEVELOPMENT OF STATE AND CONGRESSIONAL REDISTRICTING PLANS**

**WHEREAS**, it is incumbent on the New Mexico legislative council to issue redistricting guidelines that articulate principles based on federal and state law and the prior experience of this legislature; and

**WHEREAS**, such guidelines are necessary to assist the appropriate legislative committees involved in redistricting in the development and evaluation of redistricting plans following the 2010 decennial census; and

**WHEREAS**, such guidelines are also intended to help facilitate the completion of the redistricting process before the nominating petitions are first made available in October 2011 for the 2012 primary election;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the New Mexico legislative council adopt the following redistricting guidelines with the intent that the appropriate legislative committees involved in redistricting use them to develop and evaluate redistricting plans.

1. Congressional districts shall be as equal in population as practicable.
2. State districts shall be substantially equal in population; no plans for state office will be considered that include any district with a total population that deviates more than plus or minus five percent from the ideal.
3. The legislature shall use 2010 federal decennial census data generated by the United States bureau of the census.
4. Since the precinct is the basic building block of a voting district in New Mexico, proposed redistricting plans to be considered by the legislature shall not be comprised of districts that split precincts.
5. Plans must comport with the provisions of the Voting Rights Act of 1965, as amended, and federal constitutional standards. Plans that dilute a protected minority's voting strength are unacceptable. Race may be considered in developing redistricting plans but shall not be the predominant consideration. Traditional race-neutral districting principles (as reflected in paragraph seven) must not be subordinated to racial considerations.
6. All redistricting plans shall use only single-member districts.
7. Districts shall be drawn consistent with traditional districting principles. Districts shall be composed of contiguous precincts, and shall be reasonably compact. To the extent feasible, districts shall be drawn in an attempt to preserve communities of interest and shall take into consideration political and geographic boundaries. In addition, and to the extent feasible, the legislature may seek to preserve the core of existing districts, and may consider the residence of incumbents.

Adopted by the New Mexico legislative council  
January 17, 2011

**GUIDELINES FOR THE DEVELOPMENT OF STATE AND CONGRESSIONAL  
REDISTRICTING PLANS**

(The following guidelines were adopted by the Legislative Council in January 2001 and are referred to in Laws 2001, Chapter 220, which creates the joint interim Redistricting Committee and directs the committee to use these guidelines in performing its redistricting duties.)

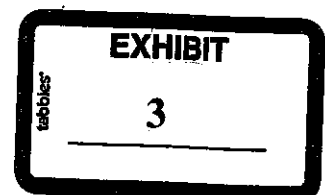
WHEREAS, it is incumbent on the legislative council to issue redistricting guidelines that articulate principles based on federal and state law and the prior experience of this legislature; and

WHEREAS, such guidelines are necessary to assist the appropriate legislative committees involved in redistricting in the development and evaluation of redistricting plans following the 2000 decennial census; and

WHEREAS, such guidelines are also intended to help facilitate the completion of the redistricting process before the nominating petitions are first made available in October, 2001 for the 2002 primary election;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the legislative council adopts the following redistricting guidelines with the intent that the appropriate legislative committees involved in redistricting use them to develop and evaluate redistricting plans.

1. Congressional districts shall be as equal in population as practicable.
2. State districts shall be substantially equal in population; no plans will be considered that include any proposed legislative, state board of education, public regulation commission, or magistrate court districts subject to legislative redistricting with a total population that deviates more than plus or minus five percent from the ideal.
3. The legislature shall use 2000 federal decennial census data generated by the United States bureau of the census.
4. Since the precinct is the basic building block of a voting district in New Mexico, proposed redistricting plans to be considered by the legislature shall not be comprised of districts that split precincts.
5. Plans must comport with the provisions of the Voting Rights Act of 1965, as amended, and federal constitutional standards. Plans that dilute a protected minority's voting strength are unacceptable. Race may be considered in developing redistricting plans but shall not be the predominant consideration. Traditional race-neutral districting principles (as reflected in paragraph seven) must not be subordinated to racial considerations.
6. All redistricting plans shall use only single-member districts.



7. **Districts shall be drawn consistent with traditional districting principles. Districts shall be composed of contiguous precincts, and shall be reasonably compact. To the extent feasible, districts shall be drawn in an attempt to preserve communities of interest and shall take into consideration political and geographic boundaries. In addition, the legislature may seek to preserve the core of existing districts, and may consider the residence of incumbents.**